



CITY OF DULUTH

Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

STAFF REPORT

File Number	PL 14-147	Contact	Steven Robertson, 218-730-5295	
Application Type	Minor Subdivision	Planning Commission Date	October 14, 2014	
Deadline for Action	Application Date	September 24, 2014	60 Days	November 23, 2014
	Date Extension Letter Mailed	October 6, 2014	120 Days	January 22, 2015
Location of Subject	3800 Greysolon Road			
Applicant	Daniel D. Maddy	Contact	725-6838, dmaddy@fryberger.com	
Agent		Contact		
Legal Description	See attached			
Site Visit Date	N/A	Sign Notice Date	October 7, 2014	
Neighbor Letter Date	October 7, 2014	Number of Letters Sent	23	

Proposal

Applicant is proposing to combine 10 parcels into 2.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Traditional Neighborhood
North	R-1	Residential/Undeveloped	Traditional Neighborhood
South	R-1	Undeveloped	Traditional Neighborhood
East	R-1	Undeveloped	Traditional Neighborhood
West	R-1	Residential	Traditional Neighborhood

Summary of Code Requirements (reference section with a brief description):

50-33.1 General: All subdivision plats and replats, and all registered land surveys, shall create lots, streets and walkways and open spaces consistent with the requirements of the zone district within which the land is located.

50-33.4 General Lot Design and Layout- A. All lots shall have frontage on a public street.

50-37.5, D 1. The planning commission shall approve the application if it determines that the application:

(a) The lot or lots to be subdivided or combined have frontage on an improved public street;

(b) Each proposed lot meets the minimum zoning requirements of the district that it is in.

(c) If an existing structure on a lot complies with the requirements of this Chapter, then after the minor subdivision structures on each of the resulting lots will still comply with the requirements of this Chapter; and

(d) If one or more of the existing lots, or a structure on one or more of those lots, does not comply with the requirements of this Chapter, the proposed relocation will not create any new nonconformity or increase any existing nonconformity between the requirements of this Chapter.

Definition of a Flag Lot: A lot so shaped and designed that the main building site is setback from the street and that portion of the lot providing access has a width less than 25% of the lot width at its greatest point.

III. D-1

Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):

Future Land Use - Traditional Neighborhood. Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home-businesses. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth's older neighborhoods, infill projects and neighborhood extensions, and new traditional neighborhood areas.

Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

- 1) The proposed two parcels have street frontage, and meet minimum lot frontage and lot area. Neither lot will be a flag lot. No new non-conformity will be created.
- 2) The attached exhibit demonstrates compliance with Minnesota statutes 462.358 and 505 or 508, as applicable.
- 3) Approval of this Minor Subdivision signifies that City of Duluth UDC standards are met. St. Louis County may have additional requirements.
- 4) This subdivision approval lapses if not recorded with St. Louis County within 180 days. Applicant must provide the City with proof of recording.
- 5) No additional public, agency, or City comments were received.

Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Based on the above findings, Staff recommends that Planning Commission approve the Minor Subdivision, subject to the following conditions:

- 1) This subdivision be filed with St. Louis County within 180 days.
- 2) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

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Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)

Legend

Parcels Boundaries

Future Land Use - Plus

Future Land Use

Preservation

Recreation

Rural Residential

Low-density Neighborhood

Traditional Neighborhood

Urban Residential

Neighborhood Commercial

Neighborhood Mixed Use

General Mixed Use

Central Business Secondary

Central Business Primary

Auto Oriented Commercial

Large-scale Commercial

Business Park

Tourism/Entertainment District

Medical District

Institutional

Commercial Waterfront

Industrial Waterfront

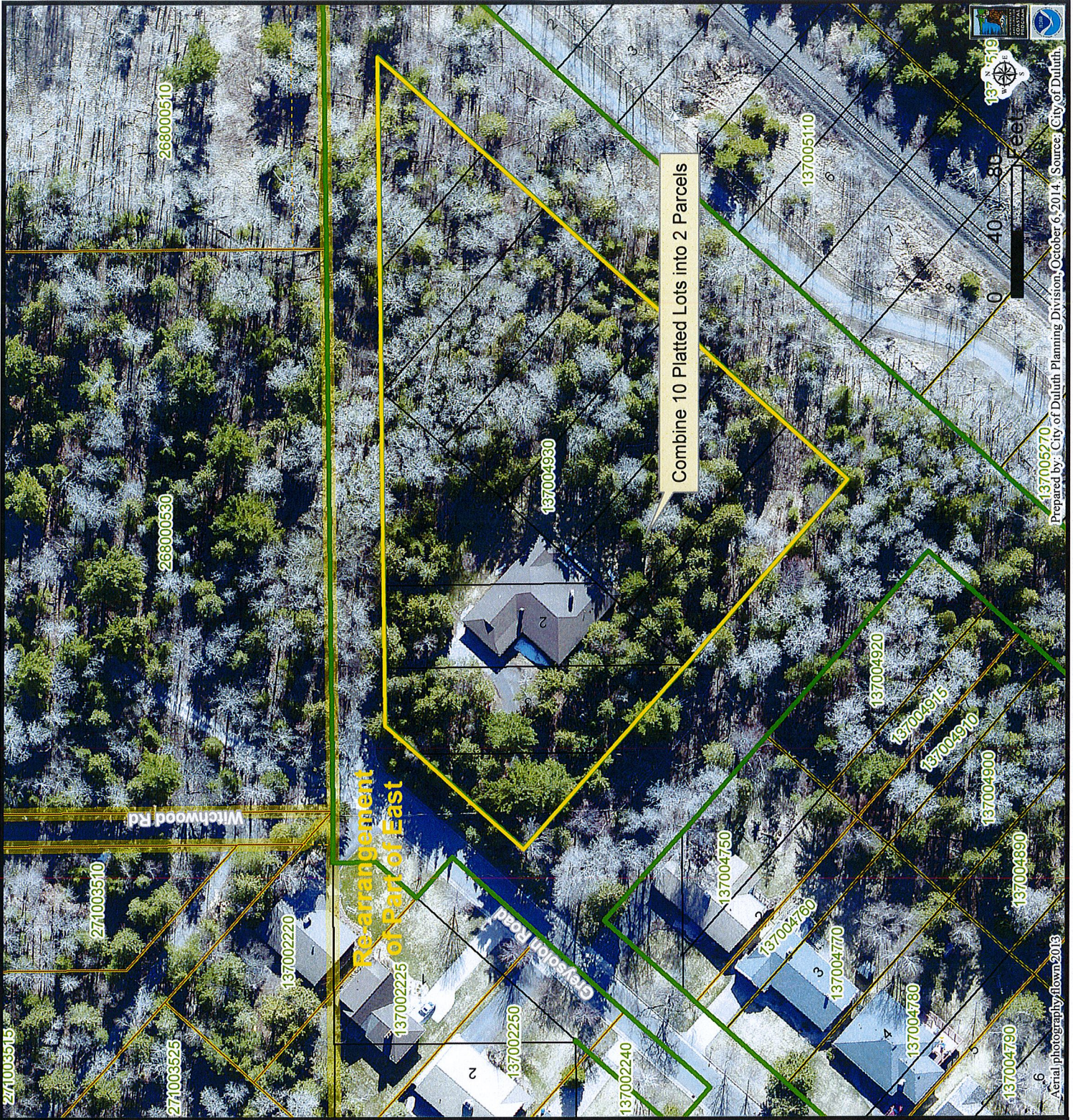
Light Industrial

General Industrial

Transportation and Utilities

The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.





Legend

Parcels Boundaries

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EXHIBIT A

This application relates to 3800 Greysolon Road.

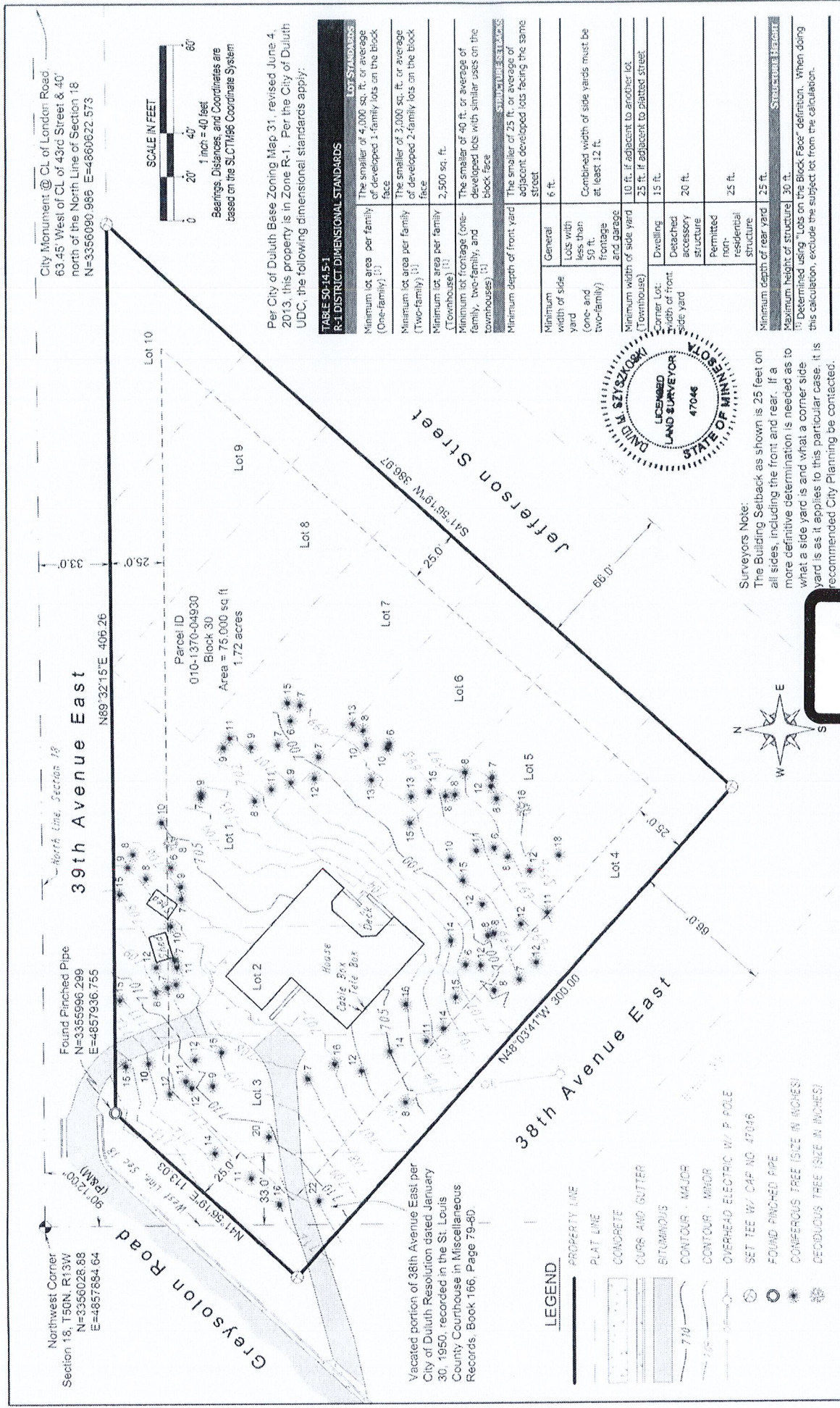
The property consists of 10 platted lots in Congdon Park. The property's legal description is attached as Exhibit B. Exhibit C shows the existing site and the names of the adjacent streets and serves as the vicinity map required for this application.

The proposed boundary line adjustment will separate the existing 10 platted lots into two parcels by creating boundary line adjustments within Lots 1, 2, 3, 5, and 6. Exhibit D is a map showing the proposed parcels after the adjustment. The two parcels are labeled Parcel "A" and Parcel "B". The legal descriptions for Parcel "A" and Parcel "B" are shown on Exhibits E and F, respectively.

The Priley's intention is to develop Parcel B with a single family residence.

EXHIBIT B

Lots One (1) through Ten (10), being all of Block Thirty (30), including vacated Thirty-eighth Avenue East adjoining said Block, in Rearrangement of Part of East Duluth and of First Addition to East Duluth, St. Louis County, Minnesota.



City Monument @ CL of London Road
63.45' West of CL of 43rd Street & 40'
North of the North Line of Section 18
N=3356090.986 E=4860622.573

North Line, Section 18
39th Avenue East
N89°32'15"E 406.26

Found Pinched Pipe
N=3355996.299
E=4857936.755

Northwest Corner
Section 18, T50N, R13W
N=3356028.88
E=4857884.64

SCALE IN FEET
0 20' 40' 60'
1 inch = 40 feet
Bearings, Distances, and Coordinates are
based on the SLC1986 Coordinate System

Per City of Duluth Base Zoning Map 31, revised June 4, 2013, this property is in Zone R-1. Per the City of Duluth UDC, the following dimensional standards apply:

TABLE 50.14.5-1 R-1 DISTRICT DIMENSIONAL STANDARDS	
Minimum lot area per family (One-family) [1]	Lot Standards
Minimum lot area per family (Two-family) [1]	The smaller of 4,000 sq. ft. or average of developed 1-family lots on the block face
Minimum lot area per family (Three-family) [1]	The smaller of 3,000 sq. ft. or average of developed 2-family lots on the block face
Minimum lot area per family (Townhouse) [2]	2,500 sq. ft.
Minimum lot frontage (one-family, two-family, and townhouses) [1]	The smaller of 40 ft. or average of developed lots with similar uses on the block face
Minimum depth of front yard	The smaller of 25 ft. or average of adjacent developed lots facing the same street
Minimum width of side yard (one- and two-family)	6 ft.
Minimum width of side yard and garage (Townhouse)	Less than 50 ft. frontage
Minimum width of side yard (Corner Lot: width of front side yard)	Combined width of side yards must be at least 12 ft.
Minimum depth of rear yard (Townhouse)	10 ft. if adjacent to another lot
Minimum depth of rear yard (Detached accessory structure)	25 ft. if adjacent to platted street
Minimum depth of rear yard (Permitted non-residential structure)	15 ft.
Minimum depth of rear yard (Structure Height)	25 ft.
Maximum height of structure [3]	30 ft.
[1] Determined using "Lots on the Block Face" definition. When doing this calculation, exclude the subject lot from the calculation.	



Surveyors Note:
The Building Setback as shown is 25 feet on all sides, including the front and rear. If a more definitive determination is needed as to what a side yard is and what a corner side yard is as it applies to this particular case, it is recommended City Planning be contacted.

LEGEND

- PROPERTY LINE
- PLAT LINE
- CONCRETE
- CURB AND GUTTER
- BITUMINOUS
- CONTOUR - MAJOR
- CONTOUR - MINOR
- OVERHEAD ELECTRIC W/ P POLE
- SETTEE W/ CAP NO 47046
- FOUND PINCHED PIPE
- CONIFEROUS TREE (SIZE IN INCHES)
- DECIDUOUS TREE (SIZE IN INCHES)

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULUTH LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.	
DATE: 5/23/2014	MINNESOTA LICENSE NUMBER: 47046
DAVID SZYSZOWSKI	
4860 Norway Pines Place Duluth, MN 55811 218-727-8796 tkda.com	
TKDA	

EXHIBIT C

Boundary Survey of Lots 1-10, Block 30 & that part of vacated avenue adjacent to Lot 3
Plat of Rearrangement of Part of East Duluth and of First Addition to East Duluth in Sec 18, T50N, R13W
& Sec 13, T50N, R14W, St. Louis County, MN
For: CF Design c/o Ryan Samra

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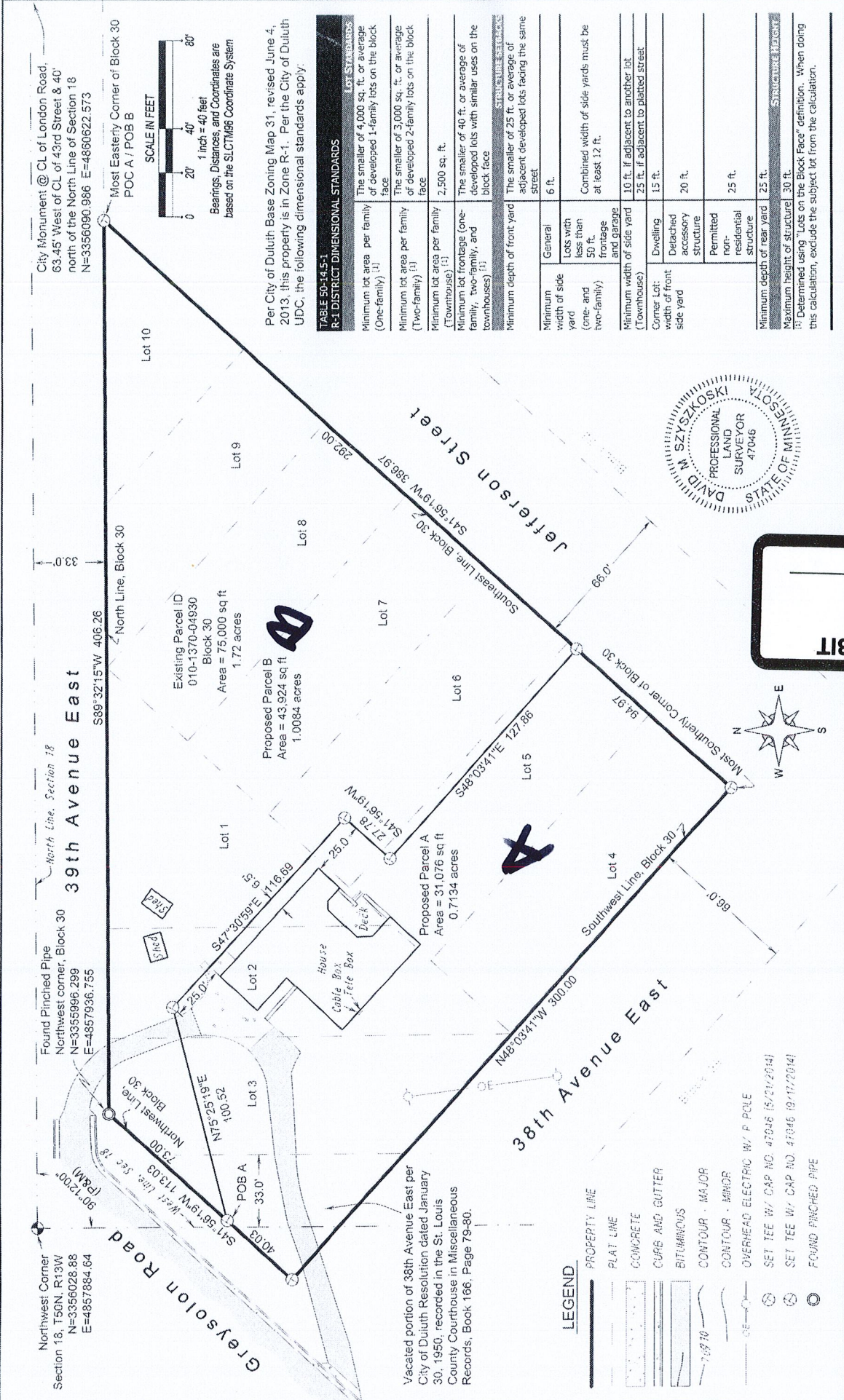
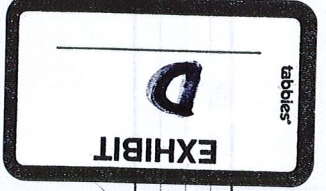


TABLE 50-14.5-1 R-3 DISTRICT DIMENSIONAL STANDARDS	
Minimum lot area per family (One-family) [1]	Minimum lot area per family (Two-family) [1]
The smaller of 4,000 sq. ft. or average of developed 1-family lots on the block face	The smaller of 3,000 sq. ft. or average of developed 2-family lots on the block face
Minimum lot area per family (Townhouse) [1]	Minimum lot area per family (Townhouse) [1]
The smaller of 40 ft. or average of developed lots with similar uses on the block face	The smaller of 25 ft. or average of adjacent developed lots facing the same street
Minimum depth of front yard	Minimum depth of rear yard
General	Minimum width of side yard (one- and two-family)
6 ft.	Minimum width of side yard (Townhouse)
Combined width of side yards must be at least 12 ft.	Minimum width of side yard (Townhouse)
10 ft. if adjacent to another lot	Minimum depth of front yard
25 ft. if adjacent to platted street	Minimum depth of rear yard
15 ft.	Minimum depth of rear yard
Detached accessory structure	Minimum height of structure
20 ft.	Maximum height of structure
Permitted residential structure	Maximum height of structure
25 ft.	Maximum height of structure
25 ft.	Maximum height of structure

Per City of Duluth Base Zoning Map 31, revised June 4, 2013, this property is in Zone R-1. Per the City of Duluth UDC, the following dimensional standards apply:



LEGEND

- PROPERTY LINE
- PLAT LINE
- CONCRETE
- CURB AND GUTTER
- BITUMINOUS
- CONTOUR - MAJOR
- CONTOUR - MINOR
- OVERHEAD ELECTRIC W/ P POLE
- SET TEE W/ CAP NO. 47046 (5/21/2014)
- SET TEE W/ CAP NO. 47046 (9/17/2014)
- FOUND PINCHED PIPE

4550 Norway Pines Place Duluth, MN 55811 218-727-8796 tkda.com	MINNESOTA LICENSE NUMBER 47046	DATE 9/14/2014	NO. 3	DATE
I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.				
DAVID M. SZEKOSKI				
Boundary Survey / Split of Lots 1-10, Block 30 & that part of vacated avenue adjacent to Lot 3 Plat of Rearrangement of Part of East Duluth and of First Addition to East Duluth in Sec 18, T50N, R13W & Sec 13, T50N, R14W, St. Louis County, MN For: Chris Philey				
JOB NO. 15513.086 FILE NO. L4124A DATE OF FIELD WORK 6/2014 & 9/2014				

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EXHIBIT E
(PARCEL "A" DESCRIPTION)

Proposed Parcel A:

That part of Lots 1, 2, 3, 4, 5 and 6, Block 30 and part of vacated 38th Avenue East adjacent to Lot 3, Block 30 per City of Duluth Resolution dated January 30, 1950, recorded in the St. Louis County Courthouse in Miscellaneous Records, Book 166, Pages 79-80, all in the Plat of Rearrangement of Part of East Duluth and of First Addition to East Duluth, St. Louis County, Minnesota described as follows:

Commencing at the most easterly corner of said Block 30; thence South $89^{\circ}32'15''$ West along the north line of said Block 30 for a distance of 406.26 feet to the northwest corner of said Block 30; thence South $41^{\circ}56'19''$ West along the northwest line of said Block 30 and its southwesterly extension for a distance of 73.00 feet to the point of beginning; thence North $75^{\circ}25'19''$ East for a distance of 100.52 feet; thence South $47^{\circ}30'59''$ East for a distance of 116.69 feet; thence South $41^{\circ}56'19''$ West along a line parallel to and 127.86 feet northwesterly of the southeast line of said Block 30 for a distance of 27.78 feet; thence South $48^{\circ}03'41''$ East along a line parallel to and 94.97 feet northeasterly of the southwest line of said Block 30 for a distance of 127.86 feet; thence South $41^{\circ}56'19''$ West along the southeast line of said Block 30 for a distance of 94.97 feet to the most southerly corner of said Block 30; thence North $48^{\circ}03'41''$ West along the southwest line of said Block 30 and its northwesterly extension for a distance of 300.00 feet; thence North $41^{\circ}56'19''$ East along the southwesterly extension of the northwest line of said Block 30 for a distance of 40.03 feet to the point of beginning.

Described land contains 31,076 square feet, more or less.

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EXHIBIT F
(PARCEL "B" DESCRIPTION)

Proposed Parcel B:

That part of Lots 1, 2, 3, 5, 6, 7, 8, 9 and 10, Block 30 and part of vacated 38th Avenue East adjacent to Lot 3, Block 30 per City of Duluth Resolution dated January 30, 1950, recorded in the St. Louis County Courthouse in Miscellaneous Records, Book 166, Pages 79-80, all in the Plat of Rearrangement of Part of East Duluth and of First Addition to East Duluth, St. Louis County, Minnesota described as follows:

Beginning at the most easterly corner of said Block 30; thence South $89^{\circ}32'15''$ West along the north line of said Block 30 for a distance of 406.26 feet to the northwest corner of said Block 30; thence South $41^{\circ}56'19''$ West along the northwest line of said Block 30 and its southwesterly extension for a distance of 73.00 feet to the point of beginning; thence North $75^{\circ}25'19''$ East for a distance of 100.52 feet; thence South $47^{\circ}30'59''$ East for a distance of 116.69 feet; thence South $41^{\circ}56'19''$ West along a line parallel to and 127.86 feet northwesterly of the southeast line of said Block 30 for a distance of 27.78 feet; thence South $48^{\circ}03'41''$ East along a line parallel to and 94.97 feet northeasterly of the southwest line of said Block 30 for a distance of 127.86 feet; thence North $41^{\circ}56'19''$ East along the southeast line of said Block 30 for a distance of 292.00 feet to the point of beginning.

Described land contains 43,924 square feet, more or less.

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